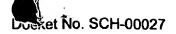
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FORM		First Named Inventor	Mark (Olijnyk et al.
(to be used for all correspondence after initial filing)		Art Unit;	2872	Q * !<-
		Examiner Name	Mark A	A. Robinson
Total Number of	Pages in This Submission	Attorney Docket Number	SCH-0	00027
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Amendme	ent/Reply 🗹	Petition		Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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		Power of Attorney, Revocation		Status Letter
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This collection of information is required by 37 CFF 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will very depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademerk Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. BEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Match and Return





Application No.:

09/692,348 435

Filing Date:

October 19, 2000

Applicant:

Mark Olijnyk et al.

Group Art Unit:

2872

Examiner:

Mark A. Robinson

Title:

Exterior Mirror

Attorney Docket:

SCH-00027

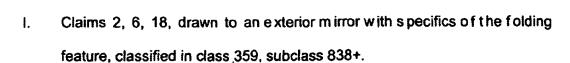
Mail Stop Petition Commissioner for Patents P.O. 1450 Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW THE EXAMINER'S HOLDING THAT THE REPLY FILED ON 1/31/03 IS NOT FULLY RESPONSIVE TO THE PRIOR OFFICE ACTION

Applicant hereby petitions the Commissioner to withdraw the Examiner's communication mailed April 14, 2003, paper 18, holding that the reply filed on 1/31/03 is not fully responsive to the prior office action, and to have the reply be considered. It is believed that no petition fee is required. If, however, a Petition fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 501612 the proper petition fee. A duplicate copy of this petition is provided for this purpose.

This application was the subject of a <u>ten-way</u> restriction requirement in a paper mailed June 12, 2001. In that restriction requirement, the Examiner identified the following groups:

Match and Return



- II. Claims 3, 4, drawn to an exterior mirror with specifics of the extending mechanism, classified in class 359, subclass 838+.
- III. Claims 5, 12, drawn to an exterior mirror with specifics of a bump strip, classified in class 359, subclass 838+.
- IV. Claims 7, 8, d rawn to an exterior mirror with specifics of the spot lights, classified in class 359, subclass 838+.
- V. Claims 9, 17, drawn to an exterior mirror with specifics of the antenna mount/housing, classified in class 359, subclass 838+.
- VI. Claim 10, drawn to an exterior mirror with specifics of the microphone/speaker system, classified in class 359, subclass 838+.
- VII. Claim 11, drawn to an exterior mirror with specifics of the power receptacle, classified in class 359, subclass 838+.
- VIII. Claim 13, drawn to an exterior mirror with specifics of the accessory attachment, classified in class 359, subclass 838.

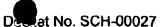
- IX. Claim 19, drawn to an exterior mirror with specifics of the control module, classified in class 359, subclass 838+.
- X. Claims 14-16, drawn to an exterior mirror with specifics of the storage cavity, classified in class 359, subclass 838+.

It appears that these ten allegedly distinct inventions are all classified in the same class and subclass. The Examiner indicated that claim 1 links the inventions of Groups I-IX, and claim 6 links the inventions of Groups IV-XIII. However, the invention of Group I includes claim 6 and is directed to an exterior mirror including specifics of the folding feature. Applicant elected Group VI, Claim 10, with traverse.

Prior to the Response filed 1/31/03, claim 1 had been amended twice to read as follows:

- 1. An exterior mirror for a vehicle comprising:
- a mirror housing assembly including a reflective element normally facing in a direction for viewing rearward; and
- a folding mechanism operably folding and maintaining the mirror in forward direction whereby the overall width dimension of the vehicle is reduced.

In response to the Examiner's Office Action mailed November 1, 2002, Applicant amended independent claim 1 to read as follows:



1. An exterior mirror for a vehicle comprising:

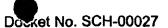
a mirror housing assembly including a reflective element normally facing in a direction for viewing rearward; and

an electrically powered folding mechanism operably folding and maintaining the mirror between a rearward and a forward direction, wherein the mirror housing is operable to travel a greater distance in the forward direction relative to the distance traveled in the rearward direction, whereby the overall width dimension of the vehicle is reduced.

Applicant submits that this amendment to independent claim 1 is supported by the specification, at least at page 9, line 26 - page 10, line 15, discussing figure 7.

In the communication mailed April 14, 2003, the Examiner stated that the reply filed on 1/31/03 is not fully responsive to the prior office action because the amendments to claim 1, "are directed to an invention that is independent or distinct from the originally elected invention. These amendments are directed to the specifics of the folding feature of the mirror system which was contained in the non-elected invention I as set forth in the restriction requirement. Accordingly, all claims currently pending are directed to non-elected subject matter."

Applicant respectfully submits the Examiner has improperly held that the amendment is non-responsive because it is directed to a non-elected invention. Prior to the Response in question, claim 1 included a folding mechanism that folded and maintained the mirror in a forward direction. The invention of Group I, specifically



claims 2, 6 and 18, claiming the folding feature did not include the language added to independent claim 1 by the allegedly non-responsive amendment, particularly that the folding mechanism is electrically powered, and that the folding mechanism causes the mirror housing to travel a greater distance in the forward direction relative to the distance traveled in the rearward direction. In other words, the limitations of the amendment to claim 1 was not part of a non-elected invention, but was part of an element already claimed in linking claim 1. Applicant submits that it is proper to further define an already existing element in a pending claim based on language supported in the specification. Original claim 1 was held to be a linking claim for Group VI, and included a folded mechanism for folding the mirror in a forward direction. A pplicant respectfully submits that the Examiner has improperly held that the amendments of the January 31, 2003 Response were directed to a non-elected invention. Accordingly, it is respectfully requested that the Response filed on January 31, 2003 be considered.

Respectfully submitted,

WARN, BURGESS & HOFFMANN, P.C. Attorneys for Applicant(s)

John A. Miller

Reg. No. 34985

P.O. Box 70098 Rochester Hills, MI 48307 (248) 364-4300

Datad: